

Remarks

Amendment to the claims is supported by the specification are originally filed. No new matter has been added. The Office Action of April 24, 2003 is discussed in detail below. The Paragraph numbers refer to the Paragraph numbers of the Office Action.

ALLOWABLE SUBJECT MATTER

Paragraph 1 and 2 of Page 6 of the instant Office Action states:

1. The following is a statement of reasons for the indication of allowable subject matter: it was set forth in a prior office action, refer to paper # 7.

2. Claims 12 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten independent form including all of the limitations of the base claim and any intervening claims.

Paragraph 12 of Page 9 of paper #7 states:

12. The following is a statement of reasons of the indication of allowable subject matter: a through search for the prior art failed what is instantly claimed, in particular: a) the membrane protruding outwardly from the cell or comprising at least one corrugated layer of a membrane material; and b) the opening being a circuitous pathway formed by said hydrophobic material.

Independent claim 7 is currently amended as follows:

7. A [nickel-metal hydride] multi-cell battery, comprising:
a battery case; and
a plurality of [nickel-metal hydride] electrochemical cells housed in said battery case, each of said cells including:
at least one [nickel hydroxide] positive electrode, at least one [hydrogen storage alloy] negative electrode and an [alkaline] electrolyte; and
an enclosure housing said at least one positive electrode, said at least one negative electrode and said electrolyte, said enclosure including a gas permeable membrane allowing passage of cell gases into and out of said cell but preventing passage of said electrolyte out of said cell, said membrane comprising at least one corrugated layer of a membrane material.

The amendment does the following:

- a) incorporates the limitations from allowable claim 12
- b) removes the limitations related to "nickel-metal hydride", "nickel hydroxide", "hydrogen storage alloy" and "alkaline".

Independent claim 22 is currently amended as follows:
22. A [nickel-metal hydride] multi-cell battery,
comprising:

 a battery case; and

 a plurality of [nickel-metal hydride electrochemical cells] housed in said battery case, each of said cells including:

 at least one [nickel hydroxide] positive electrode, at least one [hydrogen storage alloy] negative electrode and an [alkaline] electrolyte; and

 an enclosure housing said at least one positive electrode, said at least on one negative electrode and said electrolyte, said enclosure having an opening allowing passage of cell gases into and out of said cell, said opening being a circuitous pathway formed by said hydrophobic material.

The amendment to claim 22:

- a) incorporates the limitations from allowable claim 25
- b) removes the limitations "nickel-metal hydride", "nickel hydroxide", "hydrogen storage alloy" and "alkaline".

It is noted that (1) the limitations "nickel-metal hydride", "nickel hydroxide", "hydrogen storage alloy" and "alkaline" are not needed to make claims 7 and 22 allowable, and (2) removal of these limitations from claims 7 and 22 does not necessitate a new search nor present new issues for consideration (see "Allowable Subject Matter", page 9, Paragraph 12 of Paper 7).

Claim Rejections - 35 USC 103

Paragraph 3 of Office Action

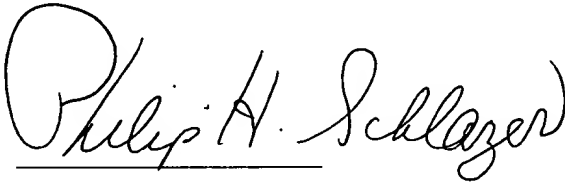
Claims 7-11, 13, 17-20, 22-24, 26-35 are rejected under 35 USC 103(a) as being unpatentable over Klein 5,478,363 in view of Sindorf 5,059,496.

In view of the Amendments to claims 7 and 22, the rejection of claims 7-11, 13, 17-20, 22-24, 26-35 under 35 USC 103(a) as being unpatentable over Klein in view of Sindorf has been overcome.

SUMMARY

In view of the above amendments and remarks, claims 7-9, 11, 13, 17-20, 22-24, 26-28, 32-35, 70-75 are in condition for allowance. Applicant respectfully requests reconsideration, removal of remaining rejections, and notification of allowance. Should the Examiner have any questions or suggestions regarding the prosecution of this application, he is asked to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Philip H. Schlazer". The signature is written in dark ink and is positioned above a horizontal line.

Philip H. Schlazer

Reg. No. 42,127

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